

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

|                                  |   |                  |
|----------------------------------|---|------------------|
| LARRY D. FULLER,                 | ) |                  |
|                                  | ) |                  |
| Plaintiff,                       | ) |                  |
|                                  | ) |                  |
| v.                               | ) |                  |
|                                  | ) |                  |
| MICHAEL J. ASTRUE <sup>1</sup> , | ) |                  |
| Commissioner of Social Security, | ) |                  |
|                                  | ) | Civil Action No. |
| Defendant.                       | ) | 1:05-CV-236-C    |

**ORDER**

**THIS MATTER** comes before the court on the Report and Recommendation filed February 20, 2007 (Doc. 24). No written objections have been filed.

**IT IS, THEREFORE, ORDERED** that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court, that the Defendant's motion to reverse and remand is **GRANTED**, and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand and after further consideration of the evidence in the record, the ALJ should appropriately consider the severity and limitations imposed by all of Plaintiff's impairments; further consider whether Plaintiff's impairments meet the criteria of Section 12.05C of the Listing of Impairments, both singly and in combination; and further develop the record, including a psychological evaluation and expert testimony from a medical examiner specializing in psychology.

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<sup>1</sup> Michael J. Astrue has been appointed as the new Commissioner of Social Security, effective February 12, 2007, and is therefore substituted as Defendant in this matter for Jo Anne B. Barnhart, per FED. R. CIV. P. 25(d)(1).

The ALJ should also further develop the record as to Plaintiff's mental and intellectual functioning prior to age 22, to include school and any other relevant records which can be obtained.

Dated March 22, 2007.



SAM R. CUMMINGS  
UNITED STATES DISTRICT COURT